

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61890 of 2018

Arising Out of PS. Case No.-212 Year-2018 Thana- SABAUR District- Bhagalpur

Kalyani Devi, wife of Prem Nath Shankar, Resident of Village-Mamalakha,
P.S.-Sabour, District-Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

Criminal Miscellaneous No. 59975 of 2018

Arising Out of PS. Case No.-212 Year-2018 Thana- SABAUR District- Bhagalpur

1. Sanjit Kumar Singh, S/o Aghori Mandal, R/o Vill.- Khankitta,
P.S.- Sabour, District- Bhagalpur.
2. Rajesh Kumar Mandal, S/o Sri Makhan Mandal, R/ Vill.-
Shankarpur, P.S.- Sabour, District- Bhagalpur.
3. Usha Gupta, W/o Nirpati Sutradhar, R/o Vill.- Chandery, P.O. &
P.S.- Sabour, District- Bhagalpur.
4. Chote Lal Mandal, S/o Madho Mandal, R/o Vill.- Udayrampur,
P.O. & P.S.- Ghogo, District- Bhagalpur.
5. Md. Zafar Azad @ Zafar Azad, S/o Md. Samsujoha, R/o Vill.-
Aundarda, P.S.- Sabour, District- Bhagalpur.
6. Shailendra Mandal @ Shailendra Kumar, S/o Biranchi Prasad,
R/o Vill.- Fatahpur, P.S.- Sultanpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In Criminal Miscellaneous No. 61890 of 2018)

For the Petitioner/s : Mr. Gopal Krishna, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

(In Criminal Miscellaneous No. 59975 of 2018)

For the Petitioner/s : Mr. Dharendra Nath Jha, Adv.

Mr. Chandra Shekhar Sharma, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 14-12-2018 Heard learned Counsel for the petitioners and learned APP
for the State.



The petitioners, being the Panchayat Mukhiyas and Panchayat Secretaries of the different Gram Panchayats, are apprehending arrest in a case registered for the offences punishable under Sections 406,409 and 420/34 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report dated 05.07.2018 submitted by Block Development Officer, Sabour to the Station House Officer, Sabour Police Station to the effect that petitioner, Kalyani Devi (in Criminal Miscellaneous No.61890/2018), being Panchayat Mukhiya of Mamalakha Panchayat, along with Chote Lal Mandal, Panchayat Secretary, withdrew Rs.46,65,958/- directly under the Chief Minister Seven Resolution Scheme, whereas, in Criminal Miscellaneous No.59975 of 2018, petitioner no.1, Sanjit Kumar Singh, being Panchayat Mukhiya of Khankitta Gram Panchayat along with Panchayat Secretary, Chote Lal Mandal, withdrew Rs. 12,71,000/-, petitioner no.2, Rajesh Kumar Mandal, being Panchayat Mukhiya of Shankarpur Gram Panchayat, along with Panchayat Secretary, Chotelal Mandal withdrew Rs.7,56,000/-, petitioner No.3, Usha Gupta, being Panchayat Mukhiya of Chanderi Gram Panchayat, along with Panchayat Secretary, Chotelal Mandal withdrew Rs.36,00,000/-, whereas, petitioner



no.5, Md. Zafar Azad, being Panchayat Mukhiya of Baijalpur Gram Panchayat along with Panchayat Secretary, Shailendra Mandal withdrew Rs. 8,28,000/- under the aforesaid scheme from the account of the Gram Panchayat against the directives issued by the Panchayati Raj Department, Governemtn of Bihar. However, the concerned rule permits transfer of the scheme amount in the account of Management Committee of Wards and Panchayats.

It is submitted by learned counsel for the petitioners that inadvertently, the aforesaid amounts have been withdrawn against the direction of the Panchayati Raj Department, Government of Bihar, but as soon as the petitinoers came to know that withdrawal was not to be made directly, the respective amounts have been deposited.

It is further submitted by learned counsel for the petitioner appearing on behalf of Kalyani Devi that though it is alleged that Rs.46,65,958/- was withdrawn, but in fact Rs.12,65,080/- was not withdrawn and the actual withdrawal was of Rs.33,98,000/- which has already been deposited and a certificate to that effect has been issued by the Block Development Officer, Sabour, vide Letter No.1079, dated 17.07.2018, as contained in Annexure-3, whereas, it is



submitted by learned counsel appearing on behalf of the petitioners in Criminal Miscellaneous No.59975 of 2018, that the petitioners of Criminal Miscellaneous No.59975 of 2018 have also deposited the respective alleged withdrawal amount. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

It is submitted by learned APP for the State, after going through the case diary that actual withdrawal made by Kalyani Devi was Rs.33,98,000/- which has already been deposited, deducting Rupees Two Thousand and odd which has been charged by the Bank as miscellaneous charges. Similarly, other petitioners have also deposited the respective alleged withdrawn amount. The said fact has been recorded in paragraph no.45 of the case diary.

Considering the fact that the alleged withdrawn amount has already been deposited, coupled with statement made in paragraph no.3 of the respective petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like



amount each to the satisfaction of the learned 10th ACJM,
Bhagalpur, in connection with Sabour P.S. Case No.212/2018,
subject to the conditions as laid down under Section 438(2) of
the Cr.P.C.

(Dinesh Kumar Singh, J)

Ashwini/-

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